

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION

In re: Peter and Theresa Jokola  
Debtors

Douglas Leland Barr  
Appellant

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CIVIL DOCKET No.: 6:09-CV-133  
Appeal to District Court of  
Bankruptcy Court's order  
entered 4/15/2009

BANKRUPTCY NO.: 02-61097

MOTION TO REINSTATE  
CASE

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APPELLANT'S MOTION TO REINSTATE CASE

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Respectfully submitted,

JOSEPH D. OLSON & ASSOCIATES, P. C.

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Attorneys for Appellant

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Douglas Leland Barr, who files this Appellant's Motion to Reinstate Case, and would respectfully show as follows:

I.

This case was dismissed on June 19, 2009 due to Appellant's failure to file a brief in accordance with *Federal Rule of Bankruptcy Procedure 8009*.

II.

Contemporaneously with the filing of this Motion, Appellant has filed a Motion to Extend Time to File Brief. The basis for seeking the extension is the ill health of Appellant's counsel. Reference is made to that Motion, and the supporting affidavit, in support of Appellant's contentions, which documents are incorporated herein by reference as if said Motion and Affidavit were set-out in full.

III.

Appellant's failure to file his brief in accordance with Rule 8009 was caused by the same illnesses experienced by his counsel as set-forth in the Motion to Extend Time to File Brief. Appellant's counsel has been unable to complete and file the brief due to his health. However, he has now returned to work and believes that the Appellant's Brief will be filed by June 29, 2009.

IV.

Unless this case is reinstated and Appellant given the opportunity to present his arguments to the Court, he will be denied substantive rights. Further, Appellant contends that this case involves important questions relating to the Bankruptcy Court's jurisdiction

that should be addressed by the District Court on the merits. Unless the case is reinstated, these questions will remain unanswered.

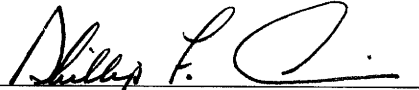
V.

Appellant asks this Court to vacate the Order dismissing this case entered on June 19, 2009 and reinstate the case to the Court's active docket.

WHEREFORE, PREMISES CONSIDERED, Douglas Leland Barr, Appellant, prays that this Court vacate the order dismissing this case entered on June 19, 2009 and reinstate the case to its active docket; Appellant prays for such other and further relief to which he may be entitled and which is just.

Respectfully submitted,

JOSEPH D. OLSON & ASSOCIATES, P. C.

A handwritten signature in black ink, appearing to read "Joseph D. Olson", is written over a horizontal line.

Joseph D. Olson

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ATTORNEYS FOR APPELLANT

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Appellant's Motion to Reinstate Case was served on the following by certified mail, return receipt requested, in accordance with the Federal Rules of Civil Procedure on the 22<sup>nd</sup> day of June 2009.

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